

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
ex rel. GILBERTO GONZALEZ)	
#K69916,)	
)	
Petitioner,)	
)	
v.)	No. 13 C 314
)	(USCA No. 13-2415)
RICK HARRINGTON, Warden,)	
)	
Respondent.)	

MEMORANDUM ORDER

Gilberto Gonzalez ("Gonzalez"), seeking to appeal this Court's April 29, 2013 dismissal of his pro se Petition for Writ of Habeas Corpus ("Petition") on grounds of untimeliness, has sought leave to proceed in forma pauperis on the appeal. When his motion to that effect was mistakenly filed with the Court of Appeals, it issued an order transferring the motion to this District Court for ruling in the first instance. Gonzalez has now tendered the printout of transactions in his trust fund account for the relevant six-month period under 28 U.S.C. §1915 ("Section 1915"), thus enabling this Court to make the requisite determination.

During the six-month period that ended with Gonzalez' June 27, 2013 filing of his notice of appeal, the average monthly deposits to his trust fund account (see Section 1915(b)(1)(A)) amounted to \$179.91, 20% of which (see id.) is \$35.98. Because this Court--even though it adheres to its dismissal ruling--does

not certify that the appeal is not taken in good faith (see Section 1915(a)(3)), it finds that Gonzalez is entitled to a grant of in forma pauperis treatment under the special terms applicable to prisoner litigants under Section 1915.

Accordingly the Application is granted to the extent that Gonzalez need not pay the full \$455 in appellate fees in advance, although he must pay the entire amount in current and future installments. Gonzalez is therefore assessed that initial partial payment of \$35.98, and the Menard Correctional Center ("Menard") trust fund officer is ordered to collect that amount from Gonzalez' trust fund account and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604

Attention: Fiscal Department

Both that initial payment and all future payments called for in this memorandum order shall clearly identify Gonzalez' name plus the District Court's 13 C 314 case number and the Court of Appeals' 13-2415 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this memorandum order to the Menard trust fund officer.

After such initial payment, the trust fund officer at Menard (or at any other correctional facility where Gonzalez may hereafter be confined) is authorized to collect monthly payments

from Gonzalez' trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$455 in appellate fees is paid.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large, stylized "M" and "S".

Milton I. Shadur
Senior United States District Judge

Date: July 23, 2013